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WEST VIEW RESEARCH, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WEST VIEW RESEARCH, LLC, a
California corporation,

Plaintiff,

v.

HYUNDAI MOTOR COMPANY,
LTD., a South Korean corporation;
HYUNDAI MOTOR AMERICA,
INC., a California corporation; and
HYUNDAI MOTOR
MANUFACTURING ALABAMA,
LLC, a Delaware corporation,

Defendants.

CASE NO. '14CV2675 GPC JMA

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

This is an action for patent infringement in which Plaintiff West View Research, LLC (“West View Research” or “Plaintiff”) makes the following allegations against Defendants HYUNDAI MOTOR COMPANY, LTD., HYUNDAI MOTOR AMERICA, INC. and HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC (collectively “HYUNDAI” or “Defendants”) as follows:

THE PARTIES

1
2 1. Plaintiff West View Research is a limited liability company organized
3 under the laws of the State of California with a principal place of business at 16644
4 West Bernardo Drive, Suite 201-A, San Diego, California 92127.

5 2. Upon information and belief, Defendant HYUNDAI MOTOR
6 COMPANY, LTD. is a corporation organized under the laws of South Korea, with
7 its principal place of business at 231 Yangjae-Dong, Seocho-Gu, Seoul, 137-938,
8 South Korea.

9 3. Upon information and belief, Defendant HYUNDAI MOTOR
10 AMERICA, INC. is a corporation organized under the laws of California, with its
11 principal place of business at 10550 Talbert Avenue, Fountain Valley, California
12 92708 and a registered agent at National Registered Agents, Inc., 818 West Seventh
13 Street, Los Angeles, California 90017.

14 4. Upon information and belief, Defendant HYUNDAI MOTOR
15 MANUFACTURING ALABAMA, LLC is a corporation organized under the laws
16 of Delaware, with its principal place of business at 700 Hyundai Boulevard,
17 Montgomery, Alabama 36105 and a registered agent at The Corporation Trust
18 Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware
19 19801.

20 **JURISDICTION AND VENUE**

21 5. This is an action for patent infringement arising under the patent laws
22 of the United States, 35 U.S.C. §1, *et seq.*, including 35 U.S.C. § 271. This Court
23 has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

24 6. This Court has personal jurisdiction over Defendants at least because
25 Defendants are present within or have ongoing and systematic contacts with the
26 United States, the State of California, and the Southern District of California.
27 Defendants have purposefully and regularly availed themselves of the privileges of
28 conducting business in the State of California and in the Southern District of

1 California. Plaintiff's causes of action arise directly from Defendants' business
2 contacts and other activities in the State of California and in the Southern District of
3 California. Defendants have committed acts of patent infringement in this District,
4 and have harmed and continue to harm West View Research in this District, by,
5 among other things, using, selling, offering for sale, and/or importing infringing
6 products and/or services into this District.

7 **BACKGROUND**

8 7. West View Research owns all right, title and interest in U.S. Patent
9 No. 8,719,038 (the "'038 patent"), U.S. Patent No. 8,719,037 (the "'037 patent"),
10 U.S. Patent No. 8,682,673 (the "'673 patent"), U.S. Patent No. 8,296,146 (the "'146
11 patent") and U.S. Patent No. 8,290,778 (the "'778 patent") (collectively, the
12 "Patents-in-Suit").

13 8. Each of the Patents-in-Suit are valid and enforceable.

14 9. West View Research is in compliance with the marking requirements
15 under 35 U.S.C. § 287 in that it has no duty to mark or to give notice in lieu thereof
16 because it has no products to mark.

17 10. The '038 patent, entitled "Computerized Information and Display
18 Apparatus," was duly and legally issued by the United States Patent and Trademark
19 Office on May 6, 2014, after a full and fair examination. A copy of the '038 patent
20 is attached hereto as Exhibit A.

21 11. The '037 patent, entitled "Transport Apparatus with Computerized
22 Information and Display Apparatus," was duly and legally issued by the United
23 States Patent and Trademark Office on May 6, 2014, after a full and fair
24 examination. A copy of the '037 patent is attached hereto as Exhibit B.

25 12. The '673 patent, entitled "Computerized Information and Display
26 Apparatus," was duly and legally issued by the United States Patent and Trademark
27 Office on March 25, 2014, after a full and fair examination. A copy of the '673
28 patent is attached hereto as Exhibit C.

13. The '146 patent, entitled "Computerized Information Presentation Apparatus," was duly and legally issued by the United States Patent and Trademark Office on October 23, 2012, after a full and fair examination. A copy of the '146 patent is attached hereto as Exhibit D.

14. The '778 patent, entitled "Computerized Information Presentation Apparatus," was duly and legally issued by the United States Patent and Trademark Office on October 16, 2012 after a full and fair examination. A copy of the '778 patent is attached hereto as Exhibit E.

COUNT I

INFRINGEMENT OF THE '038 PATENT

15. West View Research incorporates paragraphs 1 through 14 by reference as if fully stated herein.

16. Defendants have been and are directly infringing literally and/or under the doctrine of equivalents, at least claims 1, 2, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, 25, 27, 33, 34, 35, 36, 38, 40, 41, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 65, 66, 67 and 68 of the '038 patent.

17. Defendants have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority products that infringe at least claims 1, 2, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, 25, 27, 33, 34, 35, 36, 38, 40, 41, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 65, 66, 67 and 68 of the '038 patent, including but not limited to 2012 and later Hyundai Vehicles with Blue Link and/or Navigation System, sold or offered for sale on or after May 6, 2014.

18. West View Research has no adequate remedy at law against these acts of patent infringement. Defendants' actions complained of herein are causing irreparable harm and damages to West View Research and will continue to do so unless and until Defendants are permanently enjoined by the Court.

1 in an amount not presently known.

2 26. West View Research has incurred and will incur attorneys' fees, costs,
3 and expenses in the prosecution of this action. The circumstances of this dispute
4 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View
5 Research is entitled to recover its reasonable and necessary fees and expenses.

6 **COUNT III**

7 **FOR INFRINGEMENT OF THE '673 PATENT**

8 27. West View Research incorporates paragraphs 1 through 26 by
9 reference as if fully stated herein.

10 28. Defendants have been and are directly infringing literally and/or under
11 the doctrine of equivalents, at least claims 1, 2, 3, 4, 6, 7, 8, 10, 15, 16, 17, 18, 20,
12 21, 22, 23 and 24 of the '673 patent.

13 29. Defendants have directly infringed, and continue to directly infringe,
14 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
15 271(a), by making, using, selling, offering for sale, and/or importing in or into the
16 United States, without authority products that infringe at least claims 1, 2, 3, 4, 6, 7,
17 8, 10, 15, 16, 17, 18, 20, 21, 22, 23 and 24 of the '673 patent, including but not
18 limited to 2012 and later Hyundai Vehicles with Blue Link and/or Navigation
19 System, sold or offered for sale on or after March 25, 2014.

20 30. West View Research has no adequate remedy at law against these acts
21 of patent infringement. Defendants' actions complained of herein are causing
22 irreparable harm and damages to West View Research and will continue to do so
23 unless and until Defendants are permanently enjoined by the Court.

24 31. As a direct and proximate result of the acts of patent infringement by
25 Defendants, West View Research has been damaged and continues to be damaged
26 in an amount not presently known.

27 32. West View Research has incurred and will incur attorneys' fees, costs,
28 and expenses in the prosecution of this action. The circumstances of this dispute

1 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View
2 Research is entitled to recover its reasonable and necessary fees and expenses.

3 **COUNT IV**
4 **FOR INFRINGEMENT OF THE '146 PATENT**

5 33. West View Research incorporates paragraphs 1 through 33 by
6 reference as if fully stated herein.

7 34. Defendants have been and are directly infringing literally and/or under
8 the doctrine of equivalents, at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14,
9 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33 and 34 of the '146
10 patent.

11 35. Defendants have directly infringed, and continue to directly infringe,
12 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
13 271(a), by making, using, selling, offering for sale, and/or importing in or into the
14 United States, without authority products that infringe at least claims 1, 2, 3, 4, 5, 6,
15 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32,
16 33 and 34 of the '146 patent, including but not limited to 2012 and later Hyundai
17 Vehicles with Blue Link and/or Navigation System, sold or offered for sale on or
18 after October 23, 2012.

19 36. West View Research has no adequate remedy at law against these acts
20 of patent infringement. Defendants' actions complained of herein are causing
21 irreparable harm and damages to West View Research and will continue to do so
22 unless and until Defendants are permanently enjoined by the Court.

23 37. As a direct and proximate result of the acts of patent infringement by
24 Defendants, West View Research has been damaged and continues to be damaged
25 in an amount not presently known.

26 38. West View Research has incurred and will incur attorneys' fees, costs,
27 and expenses in the prosecution of this action. The circumstances of this dispute
28 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View

1 Research is entitled to recover its reasonable and necessary fees and expenses.

2 **COUNT V**

3 **FOR INFRINGEMENT OF THE '778 PATENT**

4 39. West View Research incorporates paragraphs 1 through 38 by
5 reference as if fully stated herein.

6 40. Defendants have been and are directly infringing literally and/or under
7 the doctrine of equivalents, at least claims 1, 2, 8, 9, 10, 11, 15, 17, 18, 21, 22, 23,
8 24, 25, 26, 28 and 30 of the '778 patent.

9 41. Defendants have directly infringed, and continue to directly infringe,
10 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
11 271(a), by making, using, selling, offering for sale, and/or importing in or into the
12 United States, without authority products that infringe at least claims 1, 2, 8, 9, 10,
13 11, 15, 17, 18, 21, 22, 23, 24, 25, 26, 28 and 30 of the '778 patent, including but not
14 limited to 2012 and later Hyundai Vehicles with Blue Link and/or Navigation
15 System, sold or offered for sale on or after October 16, 2012.

16 42. West View Research has no adequate remedy at law against these acts
17 of patent infringement. Defendants' actions complained of herein are causing
18 irreparable harm and damages to West View Research and will continue to do so
19 unless and until Defendants are permanently enjoined by the Court.

20 43. As a direct and proximate result of the acts of patent infringement by
21 Defendants, West View Research has been damaged and continues to be damaged
22 in an amount not presently known.

23 44. West View Research has incurred and will incur attorneys' fees, costs,
24 and expenses in the prosecution of this action. The circumstances of this dispute
25 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View
26 Research is entitled to recover its reasonable and necessary fees and expenses.

27 **PRAYER FOR RELIEF**

28 West View Research respectfully requests that judgment be entered in its

1 favor and against Defendants, and that the Court award the following relief to West
2 View Research:

3 A. A judgment in favor of West View Research that Defendants have
4 infringed, directly and/or indirectly, the Patents-in-Suit;

5 B. A permanent injunction against Defendants, its officers, directors,
6 agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents,
7 and all others acting in active concert therewith from infringement of the Patents-
8 in-Suit, or such other equitable relief the Court determines is warranted;

9 C. A judgment and order that Defendants account for and pay all damages
10 necessary to adequately compensate West View Research for infringement of the
11 Patents-in-Suit, but in no event less than a reasonable royalty;

12 D. A judgment and order finding that this is an exceptional case within
13 the meaning of 35 U.S.C. § 285 and awarding West View Research its reasonable
14 attorneys' fees against Defendants;

15 E. A judgment and order requiring Defendants to provide an accounting
16 and to pay supplemental damages to West View Research, including without
17 limitation, pre-judgment and post-judgment interest; and

18 F. Any and all other relief to which West View Research may be entitled.
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JURY DEMAND

West View Research hereby respectfully demands trial by jury of all issues so triable.

Dated: November 10, 2014

Respectfully submitted,

GAZDZINSKI & ASSOCIATES, P.C.

/s/ Adam Garson

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